

LOEJVY & LOEJVY
David B. Owens, State Bar No. 275030
Jon Loevy
Steven Art
Alison R. Leff
311 N Aberdeen St, 3rd Fl
Chicago, IL 60607
(312) 243-5900

**SCHONBRUN SEPLOW HARRIS
HOFFMAN & ZELDES, LLP**
Michael D. Seplow, State Bar No. 150183
9415 Culver Blvd #115
Culver City, CA 90232
(310) 396-0731

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GERARDO CABANILLAS,
Plaintiff,
v.
CITY OF SOUTH GATE, et
al.,
Defendants.

Case No. 2:24-cv-08027-ODW-BFM

**MOTION TO EXTEND HEARING
DATE AND BRIEFING SCHEDULE
FOR CITY'S MOTION TO
DISMISS**

Honorable Otis D. Wright II

Comes Now Plaintiff, Gerardo Cabanillas, by and through counsel, and hereby respectfully states:

1. On September 30, 2025, the City of South Gate filed a renewed motion to dismiss the *Monell* claims in this case, this time seeking dismissal of Plaintiff's Second Amended Complaint. Dkt. 155.
2. The City noticed the hearing on that motion for October 27, 2025. *Id.*

1 3. Plaintiff's response is currently due today, October 6, 2025.

2 4. This Court previously struck the County's motion to dismiss the *Monell*
3 claim on the basis that the City had not complied with the local rules
4 requiring conferral before filing a motion.

5 5. The parties have now been conferring about the *Monell* issues and are
6 discussing a substantive stipulation concerning potential resolution of the
7 *Monell* claim in exchange for certain guarantees concerning payment of any
8 judgment, if entered, against any South Gate officer.

9 6. Those conversations are ongoing but slowed due to South Gate's counsel
10 being out of office for the last few days (including today). On October 1,
11 2025, Plaintiff's counsel provided a draft agreement to Defense counsel.
12 Plaintiff's counsel sent a reminder about the filing. Defense Counsel, still
13 out of office, wrote earlier today, indicating that (1) the City does not oppose
14 the relief sought in this motion, and (2) the potential stipulation concerning
15 the *Monell* claim would be discussed with his clients as soon as practicable.
16 Should the parties reach agreement on the *Monell* issues, the motion to
17 dismiss will be moot.

18 7. The City's Counsel asked to see a stipulation concerning the extension of
19 time sought in this motion, which was provided this afternoon. At the time
20 of this filing, nearing 10:30 p.m., Plaintiff has not received a response and is
21 now filing what was going to be a stipulation as a motion Plaintiff genuinely
22 believes is unopposed.

23 8. To allow that process to continue, Plaintiff respectfully requests that this
24 Court: extend the hearing date and briefing schedule by two weeks, making

25

26

1 Plaintiff's response deadline October 20, 2025; the reply deadline October
2 27, 2025 and the hearing be set for November 10, 2025.

3 Dated: October 6, 2025

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5 BY: /s/David B. Owens

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7 **Schonbrun Seplow Harris**
Hoffman & Zeldes, LLP
8 Michael D. Seplow, State Bar No.
150183
9 *mseploslaw.com*
10 9415 Culver Blvd #115
Culver City, CA 90232
11 (310) 396-0731

12

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